



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 2499**
Yasushi KOHNO et al. : Attorney Docket No. 2005_0411A
Serial No. 10/528,240 : Group Art Unit 1621
Filed April 22, 2005 : Examiner Brian J. Davis
AMINO ALCOHOL DERIVATIVES,
SALTS THEREOF AND
IMMUNOSUPPRESSIVE AGENTS : **Mail Stop: AF**

RESPONSE TO FINAL REJECTION

**RESPONSE UNDER 37.CFR.116
EXPEDITED PROCEDURE
EXAMINING GROUP** *1600*

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975.

Sir:

Responsive to the Office Action of February 13, 2008, Applicants submit the following remarks in support of the patentability of the presently claimed invention over the disclosure of the reference relied upon by the Examiner in rejecting the claims. Further and favorable reconsideration is respectfully requested in view of these remarks.

Initially, with regard to the Examiner's maintaining the objection to the specification, Applicants specifically refer the Examiner to the Note in the paragraph bridging the columns on page 1800-207 of the MPEP (which is part of MPEP 1893.03(c), section III). This Note specifically states that, since the international application in not an earlier application (it has the same filing date as the national stage), a benefit claim under 35 U.S.C. § 120 in the national stage to the international application is **inappropriate** and may result in the submission being treated as an application filed under 35 U.S.C. § 111(a). The Note then goes on to state that it is accordingly **not necessary** for the Applicant to amend the first sentence of the specification to reference the international application number that was used to identify the application during international processing of the application by the international authorities prior to commencement of the national stage.